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PTO/SB/21 (09-04)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/678,391
Filing Date	October 3, 2003
First Named Inventor	Kiminori Sugauchi
Art Unit	2142
Examiner Name	A. Caldwell
Attorney Docket Number	16869Y-097200US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
 - ☐ Petition to Convert to a Provisional Application
 - ☐ Power of Attorney, Revocation
 - ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
USPTO form SB08B (one page), copies of two cited references, copy of European Search report for EP03022558, Return Postcard

- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
 - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP
Signature	
Printed name	Robert C. Colwell
Date	6/13/06

Reg. No. 27,431

CERTIFICATE OF TRANSMISSION/MAILING

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Signature

Typed or printed name

Roger Hylton

Date

6/15/06

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On

TOWNSEND and TOWNSEND and CREW LLP

By:

Roger Hyton

PATENT
Attorney Docket No.: 16869Y-097200US
Client Reference No.: HT184201,
HT184202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kiminori SUGAUCHI, et al.

Application No.: 10/678,391

Filed: October 3, 2003

For: NETWORK MEASUREMENT
CONFIGURATION APPARATUS

Confirmation No.: 3516

Examiner: A. Caldwell

Art Unit: 2142

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER
37 CFR §1.97 and §1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

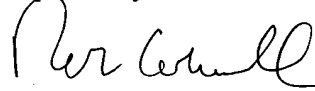
The references cited on attached form PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Also enclosed is a copy of a European Search Report for the corresponding European application EP03022558.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Robert C. Colwell
Reg. No. 27,431

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60794307 v1



Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/678,391
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First Named Inventor	Kiminori Sugauchi
Art Unit	2142
Examiner Name	A. Caldwell
Attorney Docket Number	16869Y-097200US

Sheet	1	of	1
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	"Users Guide for Internetwork Performance Monitor, Software Release 2.4," Cisco Systems, Inc. San Jose CA (May 2000).	☐
	2	ZSEBY et al. "QoS Monitoring and Measurement Benchmarking," Information Society Technologies, Brussels, Belgium (October 2002).	☐

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.